

**REMARKS**

The Examiner has rejected claims 1, 7, 8 and 14 under 35 U.S.C. §112, first paragraph and rejected claims 1-4 under 35 U.S.C. §103(a). For the following reasons, Applicant respectfully traverses those rejections and requests reconsideration and allowance of all claims.

**The §112 Rejection Should Be Withdrawn**

The term “wireless interoffice facility” appears throughout the specification of the present application and is recited in each independent claim (nos. 1, 7, 8 and 14). Specifically, the specification states that

...the present invention provides a microwave communication network which overlays the PSTN and provides a wireless interoffice facility (IOF) between or among the central offices, tandem switches or other premises which are normally controlled by an ILEC...The present invention provides wireless bandwidth in quantities that are equivalent to the speed of an OC-48 signal. **The bandwidth is usable by CLECs, ISPs, interexchange carriers (IXCs), ILECs or other carriers or service providers who require bandwidth that may not be available or, if available, may be too expensive.**

Specification at p. 2, lines 15-28. (Emphasis added.)

Applicant respectfully submits that CLECs, ISPs, IXCs, ILECs or other carriers or service providers represent “all types of traffic normally carried by the PSTN” and thus provide clear support for that phrase as recited in the claims.

In addition, as Applicant first pointed out in a Response dated April 30, 2004, and again reiterated during the interview held February 23, 2006, the term “interoffice facility,” as used in the present application, is a term of art in the field of telecommunications.

**The term “interoffice facility” is clearly understood in the field of telecommunications to refer to a communication path which carries all types of traffic normally carried by the PSTN.** The Examiner’s attention is directed to the telecommunications reference papers that were filed by fax on February 17, 2006 (in particular Figures 1.6 and 1.7) as well as the technical dictionary excerpts which were filed with the Response of April 30, 2004. The recitation of the term “interoffice facility” in the claims is fully consistent with the recited phrase “for carrying all types of traffic normally carried by the PSTN” because that is what an “interoffice facility” does.

For the foregoing reasons, Applicant respectfully requests that that the §112 rejection be withdrawn with respect to claims 1, 7, 8 and 14.

**The Present Invention Is Not Obvious**

The Examiner has rejected claims 1-14 under 35 U.S.C. §103(a) as unpatentable over Henry (U.S. Patent 5,590,396) in view of Pugh et al. (U.S. Patent 5,153,907). That rejection cannot properly be maintained in view of the differences between the cited references and the claims as well as applicable law.

First and foremost, Applicant respectfully disagrees with the Examiner’s that Henry discloses a “wireless interoffice facility for carrying all types of traffic normally carried by the PSTN” as recited in the present claims. Henry is directed to a power conservation arrangement for a cellular telephone system. Henry is not concerned with and, unlike the present invention, does not address the problem of a lack of bandwidth or a lack of less expensive bandwidth in particular portions of the PSTN.

The only microwave link disclosed by Henry is microwave link 108 (Fig. 1) which Henry expressly teaches is an “IS-41 communications link” (col. 4, lines 9-10) or an “IS-41 link” (col. 5, lines 3 and 7). IS-41 is an interim standard which defines a set of **messages and procedures for implementing inter-system handoff and automatic roaming procedures and, in later versions, enhanced services (e.g., call waiting, call forwarding) for cellular telephone systems.** *See, e.g.,* <http://www.cdg.org/technology/roaming/Technology/ss7.asp>. Accordingly, the “IS-41 link” disclosed in Henry is used to carry control messages for handling cellular telephone calls, not the calls themselves and not other traffic normally carried by the PSTN. Also, the mobile telephone switching offices 107 (Fig. 1) are owned or controlled by a cellular carrier and do not constitute “central offices, tandem switches or other premises controlled by an incumbent local exchange carrier (ILEC)” as recited in Applicant’s claims.

Turning now to Pugh, Applicant respectfully disagrees with the Examiner’s assertion that “Pugh, in an analogous art, teaches a microwave transmission medium connecting different LATAs each includes its own central office to carry long distance calls between the LATAs.” Office Action at p. 3.

Like Henry, Pugh is not concerned with and does not address the problem solved by the present invention. Pugh discloses a system for providing enhanced call services and routing functions to pay phones from a central platform through gateway interfaces. The only mention of microwave communication in the passage cited by the Examiner (col. 5, lines 19-47) states that “While not shown, it is understood that facilities of distant IXCs 24 are interconnected by long distance trunks or microwave transmission medi-

ums.” Pugh at col. 5, lines 41-43. As shown in Pugh’s Fig. 1, even if one assumes that (interexchange carrier) IXC 24 is connected by microwave communication media to POPs 22, such media would constitute part of the PSTN itself and would not constitute “a microwave network which overlays said public switched telephone network” as recited in Applicant’s claims. Indeed, the specific concept of using a microwave link as part of the PSTN to carry long distance traffic (i.e., the traffic carried by interexchange carriers) was noted by Applicant as known in the prior art in the Information Disclosure Statement filed July 23, 2001.

Finally, even if the Examiner’s characterizations of Henry and Pugh are taken as correct for the sake of argument, the obviousness rejection is still not sustainable because the Examiner has failed to identify the legally necessary suggestion to combine the references in the manner asserted. The lack of any such suggestion is not surprising. On the one hand, Henry is fundamentally concerned with improved power conservation in order to extend the in-service time of cellular phones. On the other hand, Pugh is fundamentally concerned with providing enhanced call services to traditional pay phones. Clearly, neither Henry nor Pugh is concerned with the problem which the present invention solves. Further, as discussed above, because both Henry and Pugh **fail to disclose one or more aspects of the same element** of the claimed invention, their hypothetical combination cannot render such claims obvious.

Dependent claims 2-6 and 9-13 are believed to be patentable for at least the reasons discussed above. Therefore, Applicant respectfully requests that that the §103(a) rejection be withdrawn with respect to claims 1-14.

For all of the foregoing reasons, it is believed that all claims are in condition for allowance. Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael E. Attaya", written over a horizontal line.

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